



CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

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By: Leslie Lindsay
Leslie Lindsay

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Bitner, et al.

Docket No: 16026.9038

Serial No.: 09/475,958

Group Art Unit: 1655

Filed: 12/30/99

Examiner: B. Sisson

FOR: **CELL CONCENTRATION AND LYSATE CLEARANCE
USING PARAMAGNETIC PARTICLES**

**PETITION FOR WITHDRAWAL OF PATENT APPLICATION FROM ISSUE
UNDER 37 CFR 1.313(c)**

Assistant Commissioner for Patents
Box 313
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. § 1.313(c), Applicants request that the above-identified application be withdrawn from issue in consideration of a submission pursuant to 37 C.F.R. § 1.114. Please charge the petition fee of \$130.00 set forth in 1.17(i) to Deposit Account No. 50-0842. The Request for Continued Examination under 37 C.F.R. § 1.114 and an Information Disclosure Statement are concurrently filed herewith.

After paying the Issue Fee on September 1, 2000, Applicants became aware of potentially relevant art not previously submitted to or cited by the Patent Office during prosecution of the application. On September 29, 2000, there issued an International Search Report in corresponding PCT Application No. PCT/US99/31207, citing German Patent Application No. DE 195 12 368A as a category "X" publication. Therefore, withdrawal from issue is necessary to permit consideration of the art cited

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Page 1 of 2

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in the International Search Report. A copy of the International Search Report and a copy of U.S. Patent No. 6,117,398, which claims priority to German Patent Application De 195 12 368A, are enclosed. Copies of the German Patent Application DE 195 12 368A and an English translation will be submitted under separate cover.

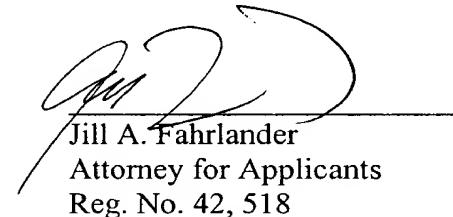
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Respectfully Submitted

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Date: November 13, 2000



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